



W.P(MD)No.6933 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD)No.6933 of 2019

Rajagopal

... Petitioner

VS.

1. The District Collector,
Madurai District.
2. The Revenue Divisional Officer,
Melur at Y.Othakkadaai,
Madurai District, Madurai.
3. The Thasildar,
O/o. The Thasildar,
Melur-625 106, Madurai District.
4. Navaneethan
5. Beer Mohamed
6. Ramesh
7. Savithiri

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 to 7 in the property belonging to "Gnanavinayagar Kovil" comprised in Survey Nos.264/14 and 264/15B totally measuring about 16 cents situated in Kottampatty Village in Madurai District by considering the petitioner's representation dated 18.01.2019.

For Petitioner	: Mr.N.Mariappan
For R1 to R3	: Mr.P.Thilakkumar
	Government Pleader
For R4 to R7	: No appearance

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 to 7 in the property belonging to "Gnanavinayagar Kovil" comprised in Survey Nos.264/14 and 264/15B totally measuring about 16 cents situated in



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2. Learned counsel for the petitioner submitted that the petitioner is a hereditary trustee of Gnanavinayagar Kovil" comprised in Survey Nos.264/14 situated in Kottampatty Village, Melur Taluk, Madurai District. The said temple was constructed 10 decades ago by the petitioner's ancestors. The temple has also land in S.No.204/15B which was used to carry out Annadhana Festival and the said place was named as "Annakavadi Madam". According to the learned counsel, S.Nos.264/14 and 204/15B are classified as temple in the revenue records. While the temple land in S.No.264/14 was surrounded by fence, the said Annakavadi Madam situated adjacent to the temple was not surrounded by fence and taking advantage of the same, the respondents 4 to 7 encroached the same and put up a thatched shed thereby causing interference and nuisance to the worshippers and also to the temple authorities to carry out Annadhana Festival. Hence, the petitioner made a representation dated



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18.01.2019 to the respondents 1 to 3 to remove the aforesaid encroachment put up by the private respondents and finding no heed to it was paid, he has filed this writ petition.

3. Learned Government Pleader appearing for the respondents 1 to 3 submitted that the respondents 1 to 3 will consider and dispose of the petitioner's representation dated 18.01.2019 on merits and in accordance with law and appropriate action will be taken for removal of encroachment, if any, in the place in question, by due process of law within a time frame, for which, learned counsel for the petitioner is agreeable.

4. Recording the above submissions, the respondents 1 to 3 are directed to consider and dispose of the representation of the petitioner dated 18.01.2019 on merits and in accordance with law. If there is any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, the authorities concerned shall take necessary action for



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removal of encroachments, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of.

No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
18.11.2022

Index : Yes / No
Internet : Yes
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To

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ORDER MADE IN
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